GOVERNMENT OF INDIA
TRIBAL AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:4076
ANSWERED ON:09.08.2002
SUPREME COURT RECOMMENDATION ON EXPENSES FOR TRIBES
RAOSAHEB PATIL DANVE

Will the Minister of TRIBAL AFFAIRS be pleased to state:

(a) whether in Samata VS Andhra Pradesh State Case, the Supreme Court has recommended that 20 Per Cent of the Total profit should be spent on the development of local tribal people;

(b) if so, the details thereof;

(c) the names of the place where the said recommendation has been implemented;

(d) whether any Committee is proposed to be constituted in this regard; and

(e) if so, the progress achieved in this regard upto now?

Answer

MINISTER OF TRIBAL AFFAIRS (SHRI JUAL ORAM)

(a)to (e) The Department of Mines has intimated that in its majority decision dated 11.07.1997 in Civil Appeal No. 4601 and 4602/96 filed by Samatha, a Non Governmental Organisation (NGO) working in the East Godavari district of Andhra Pradesh, against the High Court of Andhra Pradesh decision in WP No.9513/93 and 7725/94,(Samatha Judgement), the Supreme Court had delivered judgement in the matter of transfer of land in Scheduled Areas for mining leases. The Supreme Court had held therein that all mining leases or renewals involving transfer of land in the Scheduled Areas to the non-tribals in the State of Andhra Pradesh were in violation of the Fifth Schedule of the Constitution and, therefore, they were all void.

It was, inter alia, observed in the aforesaid Judgement that when the State leases outlands in the Scheduled Areas to non-tribals for exploitation of mineral resources, the licensee or lessee should incur expenditure for the social, economic and educational empowerment of the tribals. In this background, the Supreme Court had recommended that the licensee/lessee should set apart at least 20 percent of the net profit as a permanent fund which could be used for the establishment and maintenance of water resources, schools, hospitals, sanitation and transport facilities etc.

The State Governments grants mining leases under the provisions of the Mines and Minerals (Development and Regulation) Act, 1957, and rules framed thereunder. The State Governments are also responsible for local area development and miner minerals .Therefore, it is for the State Governments to grant mining leases in accordance with the mining statutes and Court directions. NO committee is proposed to be constituted by the Government of India.